
MARRAKECH – GAC Tuesday Morning Sessions
Tuesday, March 08, 2016 – 09:00 to 12:30 WET
ICANN55 | Marrakech, Morocco

CHAIR SCHNEIDER: Good morning, ladies and gentlemen. Welcome to today's meeting and this morning's session.

The floor to Tom who will tell you a few things.

TOM DALE: Thank you, Thomas. Merci.

The first important administrative announcement I have to make is to remind GAC members that we are continuing the very popular practice of having a door prize. The way you enter for the door prize is to use your business card and put it in the bag I'm holding up here. That bag will be, shortly, over in the corner where Julia and the excellent I.T. support staff are living at the moment, so we'll put that over there. Please go over there at some stage before tomorrow, because we'll be drawing it tomorrow morning, and include your business card there so that we have you in the competition to win the door prize.

The prize is, in fact, you may have guessed, the lovely pashmina that I am currently modeling.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

[Applause]

So please do that. And of course there is a serious side. It does help the secretariat update our contact details for you and puts you on our Christmas card list as well. So thank you for that.

I think Olof may wish to provide an update on the GAC social event with the Board this evening.

Thank you.

OLOF NORDLING:

Thank you very much. Well, when it comes to the social event this evening, which was planned for Jardin Andalou, which is pretty far away from here, a brisk walk, that has been changed and will occur in the garden outside the Cristal Room, just at your right and my left over there. Just so you are aware and don't take all the steps, unless you want some exercise and go to Jardin Andalou and back.

So tonight's cocktail or social event right outside here in the garden next to the Cristal Room. That's it. We will you remind later on in case you forget.

Thank you.

CHAIR SCHNEIDER: Thank you. I see there's some interventions for the floor. We have, in 15 minutes, there will be the colleagues from the ALAC coming and we need to discuss the High-Level Governmental Meeting so very quickly, I see U.K. and Iran. Please be very short. Thank you.

UNITED KINGDOM: Yes, good morning thank you. Good morning, everybody. We have a Commonwealth meeting at 12:30 till 1:15, 1.20 today, in the Coupole Room which is in the resort meeting rooms building next to the registration desk. So look forward to seeing colleagues from Commonwealth member states at that meeting today.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

Iran.

IRAN: Thank you, Chairman. Good morning to all of you. Yes, very good to hear all about these things, prizes, dinner, social events, so on and so forth. But we should not forget our main role today. We have to find out a reply to be sent to CCWG, either

approve it today or approve it tomorrow morning. So please kindly give priority.

And propose a way how to discuss that. Discuss it in plenary, discuss it differently, we are at your disposal, but that is the most important element at this meeting.

Thank you.

CHAIR SCHNEIDER: Thank you. That's noted.

Argentina.

ARGENTINA: Thank you, Chair. Good morning, everyone.

Just a reminder of working group meetings.

Geo names at 12:30 until 2:00 p.m. Those that want to join the group or are new to the GAC may want to come, or those that participate in the group may join me.

Also, we have the working group on participation on NomCom at -- Russia wants after me -- at 6:00 p.m. We will see how it goes in the afternoon. Maybe we need more time for our deliberations, so we will keep you posted if we organize that meeting or if we

keep on working online from this meeting on. And there will be reference to that work of the working group on Wednesday.

Thank you.

CHAIR SCHNEIDER: Thank you. So there are further requests for the floor? Are they on informing things? Because we wouldn't discuss any substance on anything else that the High-Level Governmental Meeting.

Belgium, please.

BELGIUM: Very short.

Thank you, Mr. Chair. I would like to remind you that today we celebrate International Women's Day. And I'm saying this because in many countries represented in this room, there are no women with the same rights as men. So I'm just reminding you. This is not a joke, this is just for your information.

CHAIR SCHNEIDER: Did Russia want to take the floor or was that a misunderstanding? Okay; thank you.

I'm going to give the floor now to our colleague from Morocco who is going to make some comments about the high-level governmental meeting that we held yesterday, and then we are going to talk about the consequences of how we are going to deal with the outcomes of this meeting.

MOROCCO:

Thank you, Mr. Chairman. Good morning to all of you. First of all, I would like to start thanking the representative of Belgium because today we are celebrating International Women's Day, so I would like to congratulate all women in the world and all those women who participate here in the GAC and play such an effective and active role to improve the work of GAC in our discussions.

So I wish you a happy day to all of you.

Mr. Chairman, I would like to begin by expressing my personal appreciation on behalf of the minister for your contributions yesterday by holding the vice chair of the High-Level Governmental Meeting and all the assistance that you provided to the minister.

I also want to thank all the members of the ICANN secretariat, the ACIG secretariat, and interpreters who worked hard with us yesterday, sometimes dealing with difficult situations, because

some of the delegates spoke very quickly, but interpreters were able to keep up with them anyway. So thank you for all the efforts, Mr. Chairman.

I'm going to be brief because I'm sure that our colleagues were able to closely follow the meeting, so I would like to give them the floor to tell us their impressions.

The comments and the development of the meeting together with a high level of attendance that we had, deep discussions of all the topics, and the things that need to be improved, all those things are of interest of us. We would like to know here your opinions because we want to improve and we want to have an important meeting for governments within the ICANN structure.

So let me review some aspects that, in my opinion, may be considered achievements from yesterday's meeting considering the initial objectives.

First of all, the meeting met one of its main goals because it Philadelphia represented an opportunity to show to the ministers and high-level officials the dynamics of ICANN and GAC discussions on strategic issues.

This exercise is beneficial for all these officials because they are able to understand and see the challenges that these meetings pose to us.

Secondly, in terms of objectives, we saw a large turnout. I think that we had 85 attendees in the meeting. This is extremely important because it shows that the High-Level Governmental Meeting generated a lot of interest in governments.

A Herculean amount of work was carried out by the host, the Moroccan government, that tried to raise awareness among all the ministers. Perhaps the magic attraction of Marrakech and the agenda were a part of the interesting element that drew their attention.

So we had very good outcome thanks to the efforts of the embassies of Morocco because all the ambassadors received instructions from the King of Morocco to give utmost importance to this meeting.

The attendance of ambassadors in this room yesterday show a testament of the importance of digital did diplomacy. The role of ICANN in the region was also highlighted, and we were able to see that with this high-level meeting.

Our Foreign Affairs Ministry worked hard to expedite the issuance of visas. As you know, before the Dublin meeting, there was a fragment in our communique where we requested some help with the issuance of visas, and Moroccan government and the embassies did great work. So I thank all the team for their

patience and for working so hard, sometimes with very difficult situations.

Thirdly, the meeting succeeded in getting together a high number of delegations, and we were able to address different topics. Minister Elalamy listened to all delegations that asked for the floor despite of the time constraints. So I think that we were able to manage ideas because all the delegations were really flexible. The participation of both GAC members and non-GAC members from Africa, Caribbean and Pacific region was really very important. I would like to thank the representatives of Kiribati and Cook Islands who came, traveled a long distance to attend this meeting. I think this is a good practice that we should implement in future High-Level Governmental Meeting so that these countries can join us and participate more actively in the GAC.

Fourth, when coming up with the agenda for this High-Level Governmental Meeting I made an effort together with you, Thomas, with GAC vice chairs, to have an inclusive approach and also to start a dialogue with all colleagues, starting from the Dublin meeting, looking at all the topics of interest for governments on all issues related to Internet governance. This was not an agenda proposed only by Morocco. It had the input of all the colleagues.

I was just a catalyst, a coordinator, so that we could all feel active participants in the preparation of this agenda.

There were certain topics that deal with the most important processes taking place within ICANN: the IANA stewardship transition, ICANN's accountability, the role of governments in the post-transition ICANN. So we discuss all these topics in this meeting, and we were able to focus our debate also on the main guidelines in these issues that will be reflected in the report that will be issued in a few days.

We wanted to convey key messages about accountability and respect for public interest.

So I would like to compliment all colleagues who took the floor to raise awareness and to inform decision-makers in their countries about the message we are trying to convey from ICANN.

The work of colleagues will not stop because we want to strengthen the synergies in future High-Level Governmental Meetings because there are many aspects related to public policies that our officials should take on.

Next, I would also like to highlight a novelty that was introduced here in Marrakech, because the former host of the High-Level Governmental Meetings were also invited to attend this meeting.

So I thank the ministers from the U.K. and from Canada for coming to our meeting. This is a good practice, and it enabled former hosts to provide their impression of the experience with previous high-level meetings.

Then I also believe that all these observations that I just made can constitute a new building block building block to consolidate the practice of holding High-Level Governmental Meeting considering the changes that will take place in the new ICANN meeting structure.

Perhaps I took too long to speak about the positive aspects. I am not going to actually talk about negative aspects, but there is some level of disappointment or frustration in the way the debates took place.

The minister and Thomas and I would have preferred to have more interaction. We heard more national statements rather than interactions. But delegations are always there to present the position their countries.

Yesterday's meeting also represented a very good opportunity to provide our support to the ACIG secretariat. Several countries took the floor and offered their contributions. So this is also another positive aspect.

On my behalf I will try to persuade the authorities of my country so they can make at least a symbolic contribution to the secretariat's work. And let me conclude with a joke. I was able to talk with the minister to find out his impression, and he was very happy with the meeting. And at the beginning he had some apprehension. He knew that all the issues around and the concerns around the transition process, but at the end of the meeting, I ask him, "Minister, how do you feel?" And he said, "I really appreciated this meeting." And so I told him, Mr. Minister, in two months' time, we are going to prepare this same meeting. Why not tomorrow? Why not in two weeks' time?" So he really liked having this meeting, and he was able to understand how important and how interesting it is to participate in GAC discussions.

So I think that we can be the best advocates before the Moroccan government so that all officials and all multistakeholders can be convinced of the benefits of what we're doing here in ICANN.

I think that I have taken too long so now I would like to hear some impressions from our colleagues.

Thank you.

CHAIR SCHNEIDER: Thank you very much. Everybody is joining your words in these words of gratitude you have expressed.

We have some minutes left, so we will hear other comments.

CANADA: I think it was a great success, and I really appreciated the amount of detail and effort that was put into the planning. I think it ran incredibly smoothly considering the number of people, the different topics, and I think that you very well succeeded in having the high-level representation. And, indeed, one of the main purposes we have in Toronto was trying to raise awareness of what is ICANN, what is GAC among high level. And I think you very much did that.

When I heard feedback after the event from my representative, she was mentioning that in the conversations, so there was not just at the event but at the social events as well a great deal of interest, more engagement, more awareness among the high level of what we do here, how important it is, and the need to support it when we go back to our homes.

And I think while there was no actual debate, I think there was a wide range of views that was presented during the days on all very important topics to the GAC. So I think you very

successfully covered all of the main themes we were dealing with, and we did hear a very comprehensive set of perspectives on those.

So I really do congratulate you on the event and I think it is really proving very useful to have these meetings, and we should definitely pursue this in the future.

So congratulations, again.

Thank you.

CHAIR SCHNEIDER: Thank you.

Belgium.

BELGIUM: Thank you very much.

I would like to congratulate the Moroccan authorities because this has been quite a success. I think that this format should be kept and repeated every two years. I think it's important for the world it involves that, in our case, as technicians, it helps raise the awareness of the political spectrum because sometimes I think that this is something very technical. And, in fact, it's a straightforward debate, because we have certain challenges but

we may go and use some pedagogical and simple terms so as to clearly understand the challenges that we are facing here.

So I would like to congratulate Morocco for the organization of this event.

CHAIR SCHNEIDER: Thank you very much.

UNKNOWN SPEAKER: Thank you, Chair, and thanks to the government of Morocco for the excellent organization of the high-level meeting.

I commend their understanding and flexibility in accommodating requests for the floor and, at the same time, keeping us on track and on time.

Also, I applaud the excellent outreach done, demonstrated by the very well attendance of the meeting.

It was also nice to invite previous hosts of the meeting, Canada and U.K., to provide opening remarks at the beginning of the meeting.

So I hope we can also document this experience along the guide that we normally compile and hand to the host of the new high-level meeting in future rounds. And I also remind ourselves to

put a word of appreciation in the communique and offer to help with the drafting, if that's requested.

Thank you.

CHAIR SCHNEIDER:

Thank you.

I have three more speakers on my list -- now it's five more. Couldn't we agree -- six more. We have the colleagues from ALAC waiting, so those who want to thank everybody, just raise your hands, and then we can all see that we thank --

[Laughter]

-- that we thank our colleagues from Morocco.

And I think that saves us a little bit of time.

[Applause]

Thank you very much.

And of course we will take feedback from all sides, make an assessment what we can still improve to the next time. So there's an ongoing process, and you'll get a written summary by the Chair, by the minister from Morocco in the coming weeks, as usual. So this is not the end of the discussion. It's the start of the preparation of the next meeting, actually.

Thank you very much.

So if I may, then, invite our colleagues from the ALAC to join us. That means we should try to free some space here.

Welcome to our colleagues from ALAC. I'm pretty sure we have lots of issues to discuss. We have the agenda on screen right now. This is not a comprehensive list. But most of the topics that we're going to deal with in this session are listed here.

ALAN GREENBERG: I'm feeling much better after the first night's sleep in four days.

CHAIR SCHNEIDER: Does that have something to do with the letter that you sent recently or --

ALAN GREENBERG: Just a bit.

CHAIR SCHNEIDER: Okay. So, actually, I wanted to give you the floor to also say hello to the rest of the GAC. And then I think let's start right away with the -- with the substance, as, apparently, you seem to have accomplished a step which is here under brief updates. So maybe you give us a quick word on how it went with the -- what

your result is of the study or content of the letter that you sent to the CCWG and how you came there. Thank you.

ALAN GREENBERG:

Thank you very much. First of all, thank you for inviting us to join you. It's always interesting and productive, which is a nice thing at ICANN meetings. Doesn't always happen that way. So thank you very much.

The first item is a brief update and it will be a brief update. The ALAC did ratify the CCWG agreement in total. We have spent an immense amount of time going over it and trying to make sure that everyone within the ALAC, plus the wider community, but certainly those who are actually voting on it, understood what we are talking about and weren't just saying, "Yes, me, too." It's a complex proposal. A fraction of the ALAC actively participated in the process. And we had other people who were less active, and we felt it was exceedingly important that everyone went into this understanding what they were committing to. This is a -- going to be a very different ICANN. And, hopefully, for the better.

So we held a number of briefings before this -- before the Marrakech meeting. We had two briefings of 2 to 2 1/2 hours each to go over the proposals in detail.

We then spent -- I didn't count them, but perhaps another four or five hours here discussing things, raising issues that people had some level of concern over, and trying to identify to what extent they were widespread concerns, to what extent they would stop us from ratifying.

Like any proposal that was created over a long period of time with many very diverse views going into it, it was a compromise. And all of us have some level of concern with some aspects of it.

But, in the end, we decided to ratify it. We had one member who did abstain from the substantive recommendations other than the recommendation 12 on Work Stream 2. The rest of the ratification was unanimous. And we are optimistic that the other organizations in ICANN will follow suit and we can get on with the somewhat challenging work of actually making it work rather quickly. The window is very narrow. But it was an interesting exercise, not only because of the substantive discussion we had but because of the involvement with as many people as were involved.

I don't know if you were at the open meeting yesterday. We had a prep group that pretty much weekly, sometimes twice a week, over the last year for both CWG and CCWG. And we tallied about 2,000 hours of time of people hours in that meeting alone. So it

was an interesting exercise and I think a good one and a good model for future. Thank you.

CHAIR SCHNEIDER:

Thank you. Just a quick sum up to where we are. We also spent more than five hours on this here in addition to the work that we have already done before.

We are still working on a formulation of the views of the GAC. And there is still some divergence of views on some of the recommendation. And we're working on how to reflect that in a final communique. Not communique. Sorry. Final communication so the CWG co-chairs. Maybe somebody from the GAC would want to ask questions or make comments to the ALAC about their procedure or the way they work.

Yes, Iran. Please.

IRAN:

Thank you, Chairman. Not question, but congratulating ALAC and congratulating the chair of the ALAC that all meetings, without any exceptions, up to the end he supported, defended the interest of ALAC. And he was one of the most active chairs of the constituencies and SO and AC. And we really appreciate that. He contributed fully to the issue.

One just comment: ALAC used the term, legal term, which is ratify, which is the most strongest and very, very valuable. Some of our colleagues here are talking taking notes.

I just want, as somebody has a little legal aspects and legal knowledge, taking notes is the most weakest approach. Legally, either we ratify, we accept, we approve, or we support. But taking note is not same thing. So thank you very much for the words and term that you have used, and congratulations for your wisdom. Thank you.

ALAN GREENBERG: Thank you very much. I'm not sure we used that term with the full legal knowledge of the implications, but thank you.

CHAIR SCHNEIDER: Thank you, Alan, for your sincerity and humor as usual. European Commission.

EUROPEAN COMMISSION: Yes. Thank you, Chair.

I have a question or comment that I'd like to make. But it's not related to the CCWG accountability or the IANA transition. So I'm in your hands as to whether you want to leave it to the end or I should do it now.

CHAIR SCHNEIDER: If it's not on the transition, bring it up. It's also not on one of the other items that we have listed on the agenda that you see on the screen? So, if it's --

EUROPEAN COMMISSION: It's on the agenda. Sorry, I didn't realize we had a proper agenda. Okay. I will come back to it.

CHAIR SCHNEIDER: Megan, we need to talk.

[Laughter]

Okay. No. It's early in the morning for all of us. Yes, Morocco, please.

MOROCCO: Morocco speaking. Thank you very much. Thank you for being here. I would like to congratulate ALAC, and I have the same question about ratification.

This ratification means treaty, an agreement? Because there's several procedures to reach ratification. So what is the response of ALAC to the CCWG? I mean, how we did it. Can you be more precise and clarify?

ALAN GREENBERG:

As I said, the use "ratify" seemed to make sense to me in the reporting and in our motion. We didn't do it with any legal understanding. I didn't. I'm certainly not a lawyer. And I didn't have anyone advise me on which word to use. We could have used the word "approve" just as well.

But it was done, essentially, with the full belief and knowledge of those who were approving it, ratifying it, whatever, that this was something that ICANN should do going forward.

And we did have one abstention. And that person had some reservations and didn't want to clearly give a negative vote but did have sufficient reservations that he felt it was -- an abstention was an appropriate response. Everyone else went into it with the understanding that this was a compromise that was worked out with great difficulty. And in some cases we had compromises to compromises to compromises, as you're well aware.

But in the bottom line was we believed it was worthwhile going forward.

CHAIR SCHNEIDER: Thank you very much for your words. It's -- all of you who are interested in this I think that somehow on the ICANN Web site it would be published. And it's included in our mailing list.

We'll move on to the next item. There's a question from far behind, left.

Sebastien. Thank you.

SEBASTIEN BACHOLLET: Sebastien Bachollet speaking. Thank you very much, Mr. Chairman.

I think that the response to the Moroccan representative is that at ALAC, after several discussions, we have decided not to publish comments about our acceptance of the document. So, if you're willing to know the views of ALAC in general of each ALAC member, you would have to reach out to us or to read to the transcripts of our discussion. Because these transcripts are publicly available.

So I abstained for voting for all of you to know with respect to recommendations 1-11. I'm not going to give you any detail right now. But, of course, I will be around. And I may give as many explanations as you may need.

I think that ALAC made the decision that should be made so was to move forward to the IANA stewardship. I hope you may participate actively. Because we final users need the help from the governments. And I hope you governments need from our help as well.

CHAIR SCHNEIDER:

Thank you very much, Sebastien.

Is there any other question or request for comments? Otherwise, I will move to the next topic in our agenda.

That is the new gTLD safeguards. We've had continuous exchanges with the ALAC on this one. And, actually, I think you were the strongest partner in many aspects of this work with regard to sharing concerns and asking ICANN and the registries and registrars for taking some measures that we felt were useful, if not necessary, to mitigate risks and protect consumers.

I guess you have seen the latest exchanges between the GAC and the Board in letters after the Dublin communique. And so on. So I will not repeat that. But I guess it's maybe useful to give the floor to you because you have also sent a letter, as a chair of the ALAC. And you've had discussions; and you have some concrete idea, I think, about at this stage of the process what could be done. And I think it would be worth you sharing these ideas and

your thoughts with the GAC. Because we discussed this, but we will formulate something in our communique. And it might be helpful to refer to your reflections and ideas, if the GAC wants to do so. Thank you.

ALAN GREENBERG:

Thank you very much.

As you well know, this has been something that's been going on for a long time now. Since Beijing.

The very short summary is the GAC provided advice on a number of regulated TLDs, highly regulated TLDs that extra protections be put in place. The Board implemented some of those and in a few of those implemented a much weaker version than recommended by the GAC.

There has been extensive discussions for a long time now. And the ALAC has done a summary. We tended to agree with you very strongly with some of the TLDs. Other ones we disagreed. Because there's a whole range within that long list.

When we started this process, it was before any of these TLDs were delegated. And we said, "Fix it," essentially.

We're now in the position where a vast majority of contracts are already signed with no ready way to change them, which is

unfortunate. But we are where we are right now. So our requests -- at one point we told the ICANN board to simply stop delegating, stop signing contracts. It's a bit late now to ask them to go back and do that. They didn't. They chose to not follow that advice.

So we have modified our request in light of where we are today. And the request presumes the GAC still has some interest in participating in this process. Because I believe without people from the originating organization and with the view of governments in the process, we're not going to have the leverage to convince anybody to do anything. But with that assumption, we are looking at a somewhat different process going forward.

And I'll turn it over to Olivier Crepin-LeBlond, who has been the lead person in this process, to describe what it is.

We did send out a letter last week. I don't know whether it's been forwarded to the GAC, but it certainly could be without any problem. It's not a confidential letter.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. Olivier Crepin LeBlond speaking.

I think you provided a very good summary of what's happened so far. The ALAC had asked for a freeze in the delegation of

these highly regulated strings, and that didn't happen. We were ignored on that occasion.

And one of the things that did happen was a meeting, I would say semi-formal meeting of some of the ALAC leadership with the affected parties and with some people from the GNSO trying to find an amicable solution as trying to see what can be done to reduce the risk that these strings might pose when they are allocated and when domain names are allocated under these strings. Unfortunately, no agreement was found at that point, as Alan said.

We reviewed the 30 or so strings. And some registry operators have actually implemented, as part of their public interest commitments, implemented safeguards which we felt were actually good enough to reduce the risk to end users to a level that would be acceptable or in fact even completely reduce it to nothing.

So that was the list that we put together. Again, it was an informal thing that we did through the ALAC. The idea now was to actually have a formal committee across ICANN, so that would also include GAC members but also include members of the GNSO, to review those strings and really focus on the ones that might be or might remain problematic. And we are looking at maybe four or five of them that are the potential ones that

could remain problematic. So we're not -- you know, out of 1,400 or so applications, it's just a tiny number. But these, of course, are likely to be causing great damage financially, et cetera, to Internet users if they are used in a malevolent way.

Now, the answer that we did get from one of our previous letters was that the NGPC does not believe that it currently possesses the authority to establish such a community-based mechanism like a PICs review committee, which was suggested by Mr. Andruff from the business constituency at the beginning of this whole process.

Rather, consistent with ICANN's bottom-up multistakeholder model, we think it is more appropriate to provide you with Mr. Andruff's proposal for your consideration.

So we have considered that. And our letter effectively tells the Board that we would be favorable to having such a PICs review committee being set up. But it is dependent on whether other parts of ICANN and the GAC, in particular, would be inclined to also take part in this PICs review committee. We are not going to push the ball by ourselves, if no one else in ICANN thinks that it's still worth doing and if we end up being the only ones pushing things and then being ignored afterwards. So we do need to have your support. And we hope that there will be some interest in the GAC in pushing this forward.

The aim is to really continue having sustained pressure on the ICANN board to make sure that the interests of end users and the people that are using domain names out there are protected and that the new gTLD program remains a program that is one that is positive for everyone rather than benefiting crime and malware and, et cetera.

We are very concerned that some strings which are not on that list but have been allocated for other TLDs, some TLDs have, apparently, according to some reports that we're seeing on the Internet, 50% bad registration. I'm not quite sure what "bad" means; but registration is probably used for spam, for phishing, for illegal activity. And this, of course, might cast a shadow over the new gTLD program. Because, when one thinks about the public interest, whichever way that is defined, it is a concern for us.

So, anyway, I'll stop now because I'll start rambling otherwise. Thank you.

ALAN GREENBERG:

Thank you, Olivier. Just to be clear, we understand that for delegated TLDs, we understand that the Board cannot unilaterally change contracts. So we've altered the thrust of this as a forward-looking process. We've just started a PDP looking

at the rules for the next round. We have a review team, an AoC review team, looking at this.

We want to make sure that there is a specific focus on the TLDs that were identified by the GAC so, even if we can't fix anything in this round, we won't make the same mistakes next time. Thank you.

CHAIR SCHNEIDER: Thank you very much. I have the European Union, the World Broadcasting Organization, and Argentina so far. Thank you. Commission, please.

EUROPEAN COMMISSION: Thanks. It's Megan Richards from the European Commission, for the record. Well, thank you very much. This is exactly the point I was going to raise. I should have looked up instead of just down.

I wanted to emphasize particularly this committee. We understood there was a committee that was supposed to be established between ALAC and GNSO to review the PICs. But Olivier suggested that this is a broader group which is to look at the PICs. Anyway, the point is we really think -- and I think this is the view of all the GAC members, too -- that this is something that really should be looked at in more detail to identify best practices.

The PICs have been used very successfully for certain strings, perhaps have not been even applied in others. And we think that these have potential to represent very good and even best practices. So I think a full review of those PICs would be very useful.

And since, Alan, you admitted openly that you're not a lawyer, even though contracts are set and established, there are ways and means of changing contracts in the future. And so there are many ways of proposing amendments to contracts, suggested practices, et cetera, et cetera.

So, if the result of that committee were to show the best practices or very good practices that already delegated strings could use to adjust their activities, theoretically, that's something that also could be applied even in this current round. And then the last point I wanted to raise was relating to the competition, consumer trust, and consumer choice review, which is, I think, what you were referring to to the AoC review, where the safeguards and consumer trust aspect are being looked at, of course, in the context of safeguards and the PICs that have been applied, et cetera. And this is an area where a lot of work will be done over time. But I think the two should go in parallel. And we should continue to carry on this work. Thanks.

CHAIR SCHNEIDER: Thank you. World Broadcasting Union.

WORLD BROADCASTING UNION: Thank you. I think that, in what you said, there is an interesting point that we need to explore. Because the results of the first gTLD round, that was very disappointing especially on some aspects -- I'm sure Olga will be mentioning one of these aspects in a few seconds. But the other one is for sure the community applicants. Yesterday the person of the review here mentioned there were only four percent of the application that were coming from community. While we see that this is one of the most interesting trends. And there are important things that remain out because, as you know, of the 20 community applicants that have been contested, only one at the moment is operational. The other 19 are still blocked. So there is a problem there for the -- what were the rules of the game.

Do you see this as a problem for, as ALAC, there is any possible activity in common that we can do?

CHAIR SCHNEIDER: Thank you. I think this is not directly related to the safeguards and the public interest commitments. But it's actually something that should be part of the next agenda item, which is assessment of the next round and future round.

So I think, Alan, take note of that question. And we'll answer this in the framework of the next agenda item, if it's okay. It's The same. You will bring it up.

Please, let's stay on the suggestion for the time being to look to create a committee, whatever form that will have, that the ALAC has put in front of you, and whether the GAC would support this and whether the GAC would be interested in participating in a particular review exercise on the public interest commitments. That's, if I get it right, the question that you're asking.

ALAN GREENBERG:

Yes, indeed. And for the record, yes, contracts can be changed. There is no easy way for ICANN to unilaterally force them to be changed, and that was the assumption when we were much earlier in the game and that's what changed at this point. But, yes, I agree, it would be delightful if there was some cooperation from the other side to change them.

CHAIR SCHNEIDER:

Thank you.

United States.

UNITED STATES:

Thank you, Chair, and thank you to our ALAC colleagues for bringing this to our attention. I guess I am very mindful or trying to be mindful of rationalizing work streams and resources. So on the good-news front, it does sound as though your plan is to have this feed into the CCT review and then, subsequently, into the assessment of the current round for purposes of developing perhaps modified policies, if you will, for a future round. So it's just to ensure if at some point we could perhaps get a mapping so that we understand. Because, otherwise, quite candidly, I'm a little bit confused at the moment as to how many work streams we are contemplating engaging in. So if you can clarify that, I think the entire room would benefit from that.

Thank you.

ALAN GREENBERG:

Thank you very much. We're raising this with the Board. The letter was sent late last week. We are -- It is on our agenda with the Board tomorrow.

I am optimistic that out of this will come some sort of plan which makes sense, which adopt replicate things three times over. We didn't feel we should propose the exact details of the committee. Simply point out that we do not believe the issue should be ignored and must be addressed going forward. And it actually comes into our next agenda item as well, as you'll see.

But, yes, we totally support not replicating things completely, especially not replicating things where their output may disappear and be ignored.

Thank you.

CHAIR SCHNEIDER: Thank you, Alan.

United Kingdom.

OLIVIER CREPIN-LEBLOND: Yes. Thank you, Chair, and thank you, Alan, for coming here and talking to us about this particular important issue.

I have some sympathy with what the U.S. is saying. It's getting very complex, the various opportunities to explore, understand, and develop inputs into various processes.

I just have one suggestion. ALAC has national chapters and outreach to stakeholders in that way. I think in principle, I support your idea of a committee, of course. Perhaps in the course of your calling on your national chapters and constituencies of the ALAC to undertake sort of inputs into this and consult, you actually do read across the GAC reps for those countries. Because we are probably going to be consulting as well at a national level on these very important issues. So kind

of coordination at that level is probably useful as well, as well as the GAC and the ALAC coordinating here and helping the process of developing a coherent set of inputs on the issue of PICs and what happens with contracts and all these related questions.

Thank you.

ALAN GREENBERG: Thank you very much. We obviously picked the right set of agenda items because you've now wandered into the last agenda item. Thank you.

CHAIR SCHNEIDER: Thank you.
Yes, Indonesia. Sorry. I skipped you.

INDONESIA: Thank you, Tom.
Just ask what -- a bit more understanding for me about the ALAC itself, rather different from the topic, I hope, I brief, but I think it's important.

You are talking with the (indiscernible) and representing the Internet users, and as you mentioned, you are very concerned about public interest in Internet activities.

Now, yesterday or day before yesterday, I think Olga -- where is Olga? She was just sitting there.

CHAIR SCHNEIDER: She will be back.

INDONESIA: She will. No, no, Olga, you don't have to run.

I just mention Olga because day before yesterday, she mentioned about interesting things about communities of the Internet. Who are the Internet communities in Argentina? Correct me if I am wrong, Olga. Who are the communities in Argentina? 100 new startups or a thousand Internet users or Internet associations? And so on. That's more or less like that.

Now what I would like to get from you, information from you, is how ALAC actually accommodate those various interests of those Internet users in many countries? Not only Argentina but also, you know, countries like Indonesia. We have 130 million Internet users. How you like to accommodate that kind of public interest in the system?

Thank you.

ALAN GREENBERG: Thank you. Thank you very much.

We have limited space. Not many ALAC people could be at the table here, but if any other ALAC members have any brief comments following mine, I welcome them.

We are sort of tight on constraint, so I don't think we can go into great detail about what we're doing in each country, in each region.

We do our best to push out information on what the issues are and solicit feedback. Each of our regions uses different methodology to try to get information back. But we are moderately successful at getting peripheral information.

The ALAC often acts as a consolidator of information from the regions to put together our proposals. We naturally are having some problems in doing that, because it's very difficult. Within ICANN, we talk about difficult things, often not in the language of the country.

So it is a difficult process. We are moderately successful, and we hope to get better successful.

The actual methodology, we could talk about in private, I think, because it does vary heavily from place to place.

Holly.

HOLLY RAICHE:

Thank you, Alan, and in response to the question from Indonesia, we are actually about to embark on an ALAC review of ourselves, and this time it will actually look at the regional At-Large structures and their relationship with the At-Large structure. So we're actually asking ourselves the very question that you've asked: How we interact with our own communities and how, if you will, we act as a conduit, both with information up and down.

We're working through that in trying to improve communications both ways. So thank you for asking the question. And hopefully we'll have an answer at the end of the review, if not before.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. And as Alan and Holly have said, those who are more interested in how the ALAC is working and how the regions are connected and so on, I think this is something that is -- I also had a discussion last night with Wolf, for instance, and I needed it to be reexplained in detail how this works. So we all would benefit from knowing a little more how you work. We don't have time for this here, but maybe we can think of sharing this in a small paper or in another way that we understand, actually, better how ALAC is functioning and what the different

components are, how they play together, what the challenges are, and so on and so forth.

HOLLY RAICHE: Thomas, we'll ask you. You will be one of the people we interview.

ALAN GREENBERG: A very short summary is it is a very difficult thing to do and we are trying to get even better at it than we are today.

CHAIR SCHNEIDER: Thank you.

So to go back and conclude on the safeguard issue, I think the GAC took notes that there's agreement that this is an important issue; that we, the GAC, still thinks PICs are a useful thing, and that there should be assessment. And I think we will try and reflect something our message to the Board that we will discuss tomorrow on this issue. And we also, I guess, will discuss it with the Board, because I think this issue is also on our agenda. But it seems that people are interested in somehow contributing to this.

So now let's move to the next item, which is, of course, connected and we've already heard a question on that one

coming from the World Broadcasting Union about your assessment, quick assessment, on the community track of this first round of strings.

Maybe if you have a quick answer on that one.

Thank you.

ALAN GREENBERG:

Thank you very much.

As you no doubt know, a PDP within the GNSO has recently been started to essentially reassess the new gTLD process and the rules associated with it in line -- in light of a potential next round or future rounds. At this point, everything is on the table.

Last go round, the PDP that generated the new gTLD process did not go into a lot of detail. There are those who say that there was so much comment from the GAC afterwards, both just before release and the issues that were raised after the applications were in, because the GAC wasn't involved at all in the first round. That's not the case.

The GAC -- The GNSO met with the GAC at every meeting and discussed new gTLD process. But the GAC's position was to have generated a set of principles very early in the game, and

basically reminded the GNSO on a regular basis to follow the GAC principles associated with new gTLDs.

Clearly that was not sufficient based on the outcome, based on the amount of work, including the previous discussion on safeguards.

So as we go into the new process, I am very concerned. The working group that has been created to look at new gTLD rounds is large. 150 people or so. The people who have a lot of interest and money in this are participating very actively.

Everything is on the table. At this point, there will not be PICs or something comparable to PICs under a new name in the new round, unless there come recommendations from this PDP.

There are other things that were fixed during the implementation that are back on the table for discussion, because essentially it is for discussion.

We have a real problem in that participation from At Large is not as large, as heavy as I would like to see, and when I last checked, there were three GAC observers and no GAC members of the process. If we don't make sure our voices are heard during the process, we're going to be back at square one and have to do things after the fact. And that's a really scary future for me.

So all of the issues on community TLDs, on TLDs from developing regions, all of the issues that have been raised by the GAC at various times in the process after the PDP finished are going to have to be raised against unless we make sure they're factored into the process. And that means we need more people from my community and from your community participating in it.

Clearly the GAC -- any GAC people will not be representing the GAC, but we have to make sure our voices are heard so we're not going to have to replay this story over again.

Thank you.

CHAIR SCHNEIDER:

Thank you, Alan, for this very clear message.

We have had several initial discussions about how to participate because the intention is there to participate. One of the problems, I guess it's the same for everybody, is a resource problem; that we have other issues like the transition and accountability that have been taking away so many resources. But the intention is clearly there to change that because I think we all understand -- and thank you for saying this very clearly -- the importance of this. If we don't want to, let's say, repeat the mistake of the lack of engagement of the GAC in these

processes, we will pay a high price later, and I think that's not in the interest of the people that we represent here.

So I have Argentina, European Commission -- they have already spoken -- and Iran.

ARGENTINA:

Thank you, Chair. Thank you, Alan, and thank you, Olivier, for the very interesting presentation. And it's so good to know that someone remembers the principles for ccTLDs and new gTLDs we worked on in 2007, because it seems for me that everyone forgot about that document. So every time I re-bring it and show it to the people, they say but that was a long time ago. It is --- of the GAC at that time and some members at that time are still in this group. So thank you for bringing that up.

As you know, in the GAC we have set a group to review the problem we had with use of geographic names and some other community names. The idea of the working group is not to avoid things but to lower uncertainties and to raise concern about these conflicts we have; avoid the conflicts in the future.

We have developed a set of best practices we could share with you. Also, we are working on finding a definition of public interest. This was requested by the floor when we presented the results of a consultation of an internal document we had in the

working group. It was a strong request from the floor of having this public interest definition. So we are working on that, and we are joining the effort of ICANN. There is a Wiki page and there was a session yesterday that, unfortunately, I could not attend because I was here at the High-Level Meeting.

Also, at the time that we requested the public comments, the ALAC expressed interest in working with the GAC in collecting experiences from end users in relation with new gTLDs.

So I would like to re-catch that intention up and try to coordinate that with you from the working group. And I will stop here.

Thank you.

CHAIR SCHNEIDER: Thank you, Argentina.

European Commission.

EUROPEAN COMMISSION: Yes, thank you very much. And thank you for providing this information. It's always very useful. I'm just trying to, as usual, do two or three things as once. So I will start talking.

First of all, I wanted to say, of course, the GAC has made many comments and has had all sorts of observations about public

interest, safeguards, et cetera, et cetera. So it's not at all to suggest that it's premature to start thinking about a new new gTLD round and to start, perhaps, some of the very groundwork that is necessary to think about how such a thing might develop. But it seems to me that it is premature to start going too far down the road for a number of reasons. And the primary one is that the results of some of the reviews of the existing round are not yet available. And until those reviews are finalized, the final details of any policy development process cannot, by definition, be terminated.

We have the consumer trust, consumer choice, and competition review which is, for us, one of the fundamental reviews of the current gTLD round, which will have to -- the results of which will have to be taken into consideration in any future round. And they cover, in addition to issues relating to the application process, review process, appeal process, community-based applications, for which we know there have been a whole series of problems. We've seen the ombudsman's report. We have many concerns about that which we can't fix in this current round but really must be brought into any future round. We have the safeguards issues, to which we will try, to the extent possible, to adjust and improve as we go along in this current round, but by definition, have to really be done in a slightly

different way and better in future round, and then all the competition and other consumer-choice related issues.

So I think those are something that we really have to keep in the back of our minds before going too far down this road.

So to the extent the GAC can help in this, and those of us who are involved in the CCT review and in other reviews, of which there are many others going on, I think this is a very important contribution to the work.

Thanks.

ALAN GREENBERG:

Thank you very much.

The representative from the European Union speaks great wisdom. It is now in the record.

Unfortunately, that is not the decision the GNSO has taken. And Olivier happens to be our liaison to the GNSO, and he will give a very brief summary of the discussion, but the GNSO has decided to initiate a PDP at this point prior to those reviews being done. It will not likely complete prior to the reviews, but it is being initiated. The work is just about to start. We have just selected chair people and such. And the work is about to start in earnest regardless of all of the issues you raised.

Olivier, just for the amusement of the group, you can talk a little bit about how this happened despite the concerns that Megan has raised.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. Olivier Crepin-Leblond speaking.

I'm not quite sure it's going to amuse anyone. It certainly horrified me to hear what I heard, but it seems that there is, indeed, a great pressure for this working group to start its work as soon as possible and to conclude its work as quickly as it can. So the listing of all of the input that is there is obviously very complete, which is a good thing, but whether there will be enough time or certainly enough resources to go through all of the input that has been received in a time that is acceptable to those parties that are eager to go on to a new gTLD round and try and cash in on the next cash cow. That's purely my personal view of it, of course. There is so much pressure on this that I have real concerns that many of these issues will be glossed over.

So the principle will be there, but in practice, we will not be able to sustain the push that is there to move forward.

So we do have grave concerns on this. And certainly as far as the PICs are concerned, there are some in GNSO that believe that

the PICs are -- public interest commitments are an aberration; that they were added on after the original GNSO -- GNSO plan in 2007, I think it was; and that there should be work done to erase them all together because there is no need for public interest commitments. And that's a real concern for us.

And of course we have seen many failings in the new gTLD program that we want to address, but for some, the new gTLD program has delivered exactly on what they wanted.

So we're very concerned about this.

CHAIR SCHNEIDER:

Thank you. I see there's quite a long list of people who want to speak on this.

We have -- We may run a little bit over. We have one or two things that we should exchange. So please be brief.

I think it's clear that the GAC has said several times very clearly that before the launch of a next round, a serious and thorough assessment of the first round should be made, and I don't think that we -- I see a fairly low chance that this position will change. We may have to restate it very clearly in our communique, for instance. At this point in time, this is something, of course, that is up to the GAC and not up to me, but this is something we will discuss.

So, please try to be very brief.

I have Iran, New Zealand, U.K., and Pakistan.

Thank you.

Okay. Point of clarification very briefly from the European Commission.

Thank you.

Iran, please.

IRAN:

All right, thank you. Thank you, Alan, and thank you, Olivier, with the note of warning you have given to us.

I request Tom to put it into the result of discussions with ALAC very clearly this note of warning, which has been further emphasized by the chair, but it should not be ended by that. We should have a follow-up action by the GAC. Always we put something but then it's forgotten. That is that. We are not very active in some area. After the meeting, everything is off. Come the meeting, it start again.

And thanks to the European Commission, giving this, again -- not giving. Reminding this note of warning. We have told many, many times. Lesson learned. We have to take care of that. We have to see what was deficiencies, problems, difficulties. And I

would like to mention that am though Alan says that it is too late, but it is not too late. We have to emphasize that, and we have to discuss it in our meeting with the Board, our concerns, and we have to take necessary action, not be totally disappointed that it is late, the train is gone. No. We could stop that, or we could slow down that. And that is that.

If it is not the case, our (indiscernible).

We have always been under a lot of pressure from GNSO, our very dear friend and very dear constituencies. And we are thankful for them, but we have to have some reactions.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

New Zealand.

NEW ZEALAND: Thank you, Chair. I think we found a very interesting point of common ground here with ALAC. This is substantial work and it's of high interest to GAC, but I recognize the issues raised by the European Commission and by the representative from Iran. We are at the end of a very long, intense process on accountability and transition. This work will kick off another

round which will also be long, intense, and critical to ICANN to get the bylaws drafted and to do accountability workstream 2.

It's with some regret, I think, we didn't really raise this as much as we could have with the GNSO, but I would like to ask ALAC, do they know why the GNSO has insisted on launching a PDP now? Have they raised concerns in this regard and do they think it's worth exploring whether this work can be deferred?

Thank you.

CHAIR SCHNEIDER: I think Olivier has already given you his interpretation of why. I don't think we should spend more time, given the fact that we have a long list. If you don't mind --

ALAN GREENBERG: I will address that in my summary.

CHAIR SCHNEIDER: Yeah, it will be addressed in summary.
So please be brief. Thank you, Mark.

OLIVIER CREPIN-LEBLOND: Yes, thank you, Chair. And sure, I'll be as brief as I can.

The alert here is a very important one, a very timely one about the PDP and the imminent rollout of that and the need to engage. So we will certainly take that as duly noted.

Just remind very briefly the Council of Europe, which is 47 member states, declared in June last year that ICANN should ensure that an appropriate balance -- I'm quoting, "an appropriate balance is struck between economic interests and other objectives of common interest, such as pluralism, cultural and linguistic diversity and needs of vulnerable groups and communities."

So certainly the Council of Europe members will want to have note for that in considering engaging in a PDP.

Thank you.

CHAIR SCHNEIDER: Thank you, Mark, for raising this.

Pakistan.

PAKISTAN: Thank you, Chair. In the last ICANN round of the new gTLD applications, including developing countries, including Pakistan, have minimal applications for the new gTLDs. It is about that. This is due to lack of awareness about the ICANN new gTLD

programs, particularly in the developing countries, and the high fee for the new gTLD applications.

It is suggested that ICANN, through its relevant committees, will review and formulate new requisite policies for (indiscernible) to mitigate these impediments and avoid emergence of global monopolies in the space and the set of issues faced during the last round of new gTLD applications. And the same will be taken in the new gTLD application round.

Our government is very happy to collaborate with ICANN to organize the new gTLD awareness program.

Thank you very much.

CHAIR SCHNEIDER: Thank you. European Commission. Then we sum up this item.

EUROPEAN COMMISSION: Yes. Thank you very much. Just very briefly. I just wanted -- sorry to do this -- to come back to facts and to remind us all that, with the IANA transition and the ICANN accountability, presuming it goes forward, the Affirmation of Commitments is supposed to be introduced into the bylaws. The Affirmation of Commitments in Article 9-3 say quite clearly -- and I won't repeat the whole thing, but our trusty secretariat will circulate it to

those who want to see it -- that any new rounds have to take into consideration competition, consumer, protection, security, stability, blah, blah, blah. And the Board has to take action on the results of those reviews that are carried out in those aspects.

So, by definition, the Board has to look at results of those views and take into consideration these at some future point. So we should keep that on the back of our minds. That is just a reminder. That isn't to say we shouldn't do whatever we can now. Thank you.

CHAIR SCHNEIDER: Thank you. I see that there is a request for a very quick word from the World Broadcasting Union. So, please, very briefly.

WORLD BROADCASTING UNION: Yes. Just one remark before -- about what was said before. Some of the community applicants' concerns protected RIRs and protected sensitive strings. So there is no contradiction between the two points. They are the same point. Because there is always a question of public interest behind.

Second, I want to know if ALAC shared the same concerns that some of us have about the democratic process within the GNSO constituency.

The fact that we have four companies owning 1,000 domain names doesn't create a problem about the democratic process within this community? I say this because I've seen the election mechanism and the way they tried to prevent that the -- some groups prevail over others. And this very broke (phonetic) system knowing the system that the European Union has adopted in Lisbon. I think that we are variant to that, and I foresee problems coming.

CHAIR SCHNEIDER: Thank you. So maybe you take this question into the summary of your -- on this item.

ALAN GREENBERG: Thank you very much. A couple of points: The PDP has been launched, in wisdom or whatever. It will not likely complete before the CCT review or other things are completed. And, yes, they are bound to take it into consideration.

But I think the reality is, as the work proceeds, it's going to be harder and harder to factor these things in unless there are at least voices in the group pointing out that we need to factor these things in.

I don't know what the ability of the Board is, based on the statements you made, to intercede, slow it down, whatever.

But, certainly, there needs to be awareness at that level, which I'm not sure there is. There might be.

So the process is going. How it will address the specific issues that we've talked about community TLDs and all -- and IDs from disadvantaged areas, I don't know. And we need to make sure that there are people who are going to be -- continue to be annoying to those who are there with financial interests to remind them that there are these issues that have to be taken into consideration.

Whether we have a mechanism to limit how many TLDs any given company can have, that's beyond me. Again, that -- we may need someone who is a lawyer to know whether we could even legally consider that. It's certainly something that, if it's possible, maybe we should be discussing it. But, you know, I suspect that's not one we have any control over.

The reason we put this on the agenda is we believe there need to be voices who are looking at issues from a public interest point of view.

We're not always going to agree. I'm sure ALAC and GAC will disagree on some issues as we go forward. And we will be strong allies on others.

The GNSO PDP process is going to be -- I will use a colloquial term -- I hope it translates well -- "a pain." There's going to be a lot of meetings. A lot of the discussion will be difficult to have to listen to. But, if we're going to be heard, we need a few people from all of the various groups who care about the non-financial parts of this, about the public interest, who participate and to be able to voice our concerns if the direction is going in something that we feel is counter to where it should go.

So I urge you to find a few people who are willing to sacrifice a lot of their hours and participate in this game.

I think that's where we stand right now, at least, certainly, from our point of view.

Olivier can go into great detail about the discussions that were had and his interventions to try to slow it down and the interventions of others. But we are where we are right now, and we have to address it. And, if you'd like to raise this with the Board, you certainly do it with our blessing.

CHAIR SCHNEIDER:

Thank you. I think we have to stop this agenda item now. I think we'll have the discussion when we're able to continue the discussion when we prepare the session with the Board and then when we work on the communique.

I think the point is definitely well-noted and understood. And so, looking at the time already and the coffee break, let's give it a few more minutes about the last item. And there's another item, which is on our internal list. I don't know. That hasn't made its way to what you see on the screen, but it's the coordination of the B meeting, which I will come to later. But maybe you want to introduce what -- a concrete proposal by you, by the last stage and item on the screen, which is called enhanced GAC-ALAC cooperation.

ALAN GREENBERG: It was on our list also about the B meeting, but somehow it disappeared.

CHAIR SCHNEIDER: We will put it back in.

ALAN GREENBERG: Very quickly. I think this meeting -- almost all part of this meeting's discussions indicate that we have some very similar views on many things. And we really need to be cooperating more than just for 30 minutes three times a year.

And I would like to suggest then perhaps a radical suggestion that we establish liaisons in both directions so we can have

ongoing communication and each body is aware of the issues that are important to each other so that we can interact on a regular basis.

So I would like to propose -- and, obviously, don't need an answer today. This will take some time to be put in place -- that we have liaisons in both directions between the ALAC and the GAC. Thank you.

CHAIR SCHNEIDER: Thank you. I think this is an excellent suggestion. And maybe just a quick initial very short reaction on this proposal. I see people nodding. This is what I -- yes. Iran, please.

IRAN: Yes, thank you very much. Not only liaison but liaisons. You said something very important. We have to try that our voice be heard. But, before trying that our voice be heard, we should have a voice. We don't have the voice. That is the problem. Thank you.

CHAIR SCHNEIDER: Thank you. So Sebastien?

SEBASTIEN BACHOLLET: Yes. Thank you. I agree with this proposal, of course. But I would like to suggest that once again that we try also to have some enhanced cooperation at the local level between government and at-large structure existing of future. Because you can help us in the country where we don't have yet a footprint to have one in the future. Thank you very much.

CHAIR SCHNEIDER: Thank you, Sebastien. We take note of your suggestion. Positive reactions from everybody who has been nodding and looking at us.

So the last point is, as you know -- and we've discussed this already several times before, but it has also fallen a little bit off the table because of things like the -- what's its name? Transition, I think.

[Laughter]

And there's something else that I forgot that starts with A. I think. But I'm not quite sure.

Anyhow, we need to prepare and coordinate the B meeting, of course. And Ana Neves from Portugal has participated, together with others in that group led by Nick Tomasso and others from ICANN staff, in planning the B meeting.

And there was an initial proposal or intention to use the shorter meeting to do more engagement between the silos because everybody is criticizing, in particular, to the GAC that we work in silos and that we don't listen and talk enough to the others and so on and so forth, that we're not open and transparent enough, which is, I think, not true any more definitely. But there's still room for that. And there was this idea that was brought up in that working group or whatever the formal name of this is to have something like a town hall meeting where everybody would, instead of meeting everybody bilaterally, which is a very time-consuming exercise that the GAC has discussed a number of times that we're thinking of changing this in order to be more efficient in order to meet everybody and agree on a few issues that we would have -- try and have a free and open exchange with all constituencies with the Board and not just bilaterally and that, in the proposal of that working group there was Tuesday, the second day was reserved for that.

Last Friday when we had the SO/AC chair RALO's meeting, I saw it was only the GAC who actually kept that day open for such an exchange. And all the others somehow did not really follow or understand or whatever this idea.

And so I just wanted to quickly raise that to you, because we'll have a session on Thursday where we need to revisit our planning. And we asked the question also to the GNSO. Maybe

one day may be too much, as people need the time for their silo work. But maybe half a day to keep this idea up for half a day to use the Tuesday afternoon for an open exchange with everybody. And maybe not in the style of the public forum, that is something similar but that is in a much more confrontational setting where you have the Board and on the other side you have somebody that normally provokes the Board on something.

But our idea is actually to raise the mutual understanding and to facilitate through this mutual understanding better decisions and, for instance, this issue that we just discussed where the GNSO is planning -- wanting to go ahead with something where others have serious concerns. This is, for instance, something that we are convinced that it would merit that we all discuss this together with everybody that has an interest in discussing something like what we just discussed.

So what is your -- with regard to the B meeting, what are your reflections, and how will you continue to work on this? Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much, Mr. Chair. Olivier Crepin-Leblond speaking. I will reflect on my personal views of what I've seen.

I have attended several meetings, first with the SO/AC SGC RALO chairs. It becomes a larger group every time. And we've looked at the table that you mentioned.

I was quite surprised to see that each one of the different communities had developed their own program as a silo. I would have thought it would be better to develop it together.

As you very correctly said, the GAC high level -- sorry, the GAC town hall idea is, of course, personally, a great idea. But, if all the other SOs and ACs are doing their own thing in their own room, then the GAC will have a town hall with itself, which doesn't help very much.

So, certainly, I hope that, in moving forward, there would be a collaboration between the SOs and ACs to actually even this out. And this looks more like a procedural matter. Doesn't need to have a full room here. But, if you -- in your bilaterals with other parts of ICANN can even things out, I'm sure the ALAC would be very happy to discuss this with you as well. Not sure whether it's the right time or place to do it, but -- Alan.

ALAN GREENBERG:

Thank you. Speaking on behalf of our group that put together our plan for the new meeting strategy, we certainly did not deliberately ignore that kind of concept. It seems to have

passed us by. But I don't think it was a deliberate attempt to ignore it.

We have rigorously tried to follow what we thought was the plan. Maybe this is the beauty of the bottom-up model where each of the parts of the bottom do different things. But at this point I think we need to really quickly coordinate. So I agree with what you're saying.

CHAIR SCHNEIDER: Thank you. Sebastien.

SEBASTIEN BACHOLLET: Sebastien Bachollet speaking. Thank you, Mr. Chair.

I am the chair of the meetings strategy working group. And I would like to remind you that this group used to have or had multiple stakeholders including all the ICANN constituencies. And we want this group to be working on an equal footing with others. And we also want to have fairness also in terms of gender.

The group's idea regarding meeting B -- well, sometimes you have to go back to the basics. We don't want to deal with extraordinary projects. We want to be able to reach out to the regions where we have no presence today. We need a smaller

status. We don't need three large rooms. So that is what we need to consider when we plan for meeting B.

Meeting B will be shorter, and I know that there have been requests to extend it. But we had initially agreed to have a four-day meeting. And we are going to hold these meetings in cities where we have little interaction with ICANN. So we are planning to reach out to people in their own places. We want to do a lot of outreach.

So it is important for us to remember the idea here is not to have isolated meetings, also to have subject-based meetings. All the stakeholders need to be able to have an opportunity to discuss this topic. So we're planning to distribute our internal work and also our collaborative work with the different stakeholders on different subjects that need some definition. That was the idea for meeting B.

We didn't plan to have a huge meeting or a public forum or open mics or the Board on one side and us on the other side. We wanted to have collaboration. This will require a big effort from all of us. So we have to have a clear understanding of how meeting B will be planned.

The fact the working group stopped its activity and will not continue to implement its proposals is something that I regret. I think that we would be in an easier situation if that would have

been done otherwise. But the Board rejected the idea of using this working group as an implementation group. Once again, thanks to the GAC for putting forward all these proposals.

CHAIR SCHNEIDER:

If we want to do things in a collaborative way, not in isolation, we have to be at the same place, all of us. Otherwise it will be very difficult to work on the coordination aspects that so far haven't worked so well.

If we worked in an isolating manner or in silos, it wasn't intentionally. But it was because we failed to have the right coordination. So we will work more closely together in bilateral meetings.

And I apologize for taking the time devoted to the coffee break to continue these discussions. But there were some more urgent matters that required our attention.

I would like to thank our ALAC colleagues for joining us today and talking about such important things. Thank you.

ALAN GREENBERG:

I think there's a strong indication that we have lots of things to talk about. So let's continue the dialogue. Thank you.

CHAIR SCHNEIDER: I think we'll resume at 11:15 at the latest. At the latest. Megan advised me to say 11:10 so it's 11:15. So it's 11:10 but not later than 11:15. Thank you.

[Coffee break.]

MARK CARVELL:

Okay. Let's start. This is the meeting of the GAC Working Group on Human Rights and International Law, HRILWG is the acronym. It was moved from the Sunday lunch slot thanks to the ccNSO. We have the opportunity of a proper lunch on Sunday so -- by moving to this slot now.

You have the luxury of three co-chairs of this working group. There's myself, Mark Carvell, from U.K. government, and then to my immediate left, Milagros Castanon Seoane from Peru, and then to my far left, Jorge Cancio from Switzerland. So we are the three co-chairs for this working group, and we will manage the agenda between the three of us, accordingly.

So you have the agenda, I think. And if you look at that for your approval. We have the first item on the finalization of the terms of reference of the working group which was done intersessionally. I'll explain that in a minute.

Secondly, we have the first introduction of work plan issues and related intersessional activity. And we'll merge -- as time is tight, we'll merge that with our item 5 on the agenda, which was described as an open discussion of the work plan. So we'll merge 2 and 5.

And then agenda item 3, we have an update on the CCWG's accountability recommendation 6 on human rights. And we are very fortunate that we are able to be joined here by Leon

Sanchez, one of the co-chairs of the CCWG, who will provide that update and the way forward for it.

Then we'll just have a quick reminder, agenda item 6, that we have a joint meeting at 6:00 till 7:00 today with the Cross-Community Working Party on Human Rights, so we'll just briefly introduce that as a reminder of that opportunity to get together with the cross-community working party.

An AOB item, and then we'll do a quick summary.

So if you agree that's the agenda for this meeting. I don't see anybody raising their hand with regard to the agenda.

So I'll kick off with agenda item 1 which is the finalization of the terms of reference.

As you may recall from the Dublin meeting, we decided then to initiate a comments round with the GAC on what was then a draft of the terms of reference. We received -- This was done -- taken intersessionally between Dublin and this meeting, that consultation, and we received some comments on the draft at that time, which we very much appreciated. And we have now finalized the terms of reference.

So for the purposes of this meeting, it's an opportunity to formally endorse the terms of reference. I'll just quickly run through, as a quick reminder, what the terms of reference cover.

The first part deals with the objectives of the working group to ensure primarily that technical coordination of the Domain Name System is managed with respect to human rights and relevant international law. That, secondly, as an objective, we would cooperate with ICANN's advisory committees, supporting organizations, and communities in the exercise of the working group's work, particularly with the Cross-Community Working Party on Human Rights, or full title, Cross-Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights. That's the full title of that working party.

The third objective was to participate in applicable ICANN work streams, policies, and studies to promote a shared understanding of human rights and relevant international law.

The second section of terms of reference deals with membership issues. The fact that we have three co-chairs, and so on, and that we welcome participation by all GAC representatives and observers. So we invite -- the terms of reference repeat the invitation to identify and nominate representatives to participate.

Third part of the terms of reference deals with working methods, physical meetings, introducing the working group and its mission to all relevant ICANN groups, consulting with experts from industry and civil society and other sources; providing

information, proposals as appropriate to the GAC on development opportunities and challenges relating to human rights and relevant international law.

We will be establishing a work program, which we'll have an initial discussion of at this meeting. We'll act on the basis of consensus, and we will set up a Web page, an interactive Web page, for the conduct of the working group's work.

Then there is a section about areas of interest, which were already indicated as primary areas of interest for the working group. Three items specifically: the new gTLD applicant -- application round; the second item, the IANA stewardship transition, and hence we have Leon's contribution at this meeting; and thirdly, considering whether and how the U.N.'s guiding principles on business and human rights could serve as a framework to examine ICANN's respect for human rights and relevant international law.

The next part of the terms of reference deal with deliverables. Develop a range of best practices, submit a draft interim review and analysis of topics relevant to the working group's work. So we envisage a position paper or draft statement along those lines based on the consensus views of the members.

Also attached to the terms of reference, not part of the text, was three bullets setting out possible topics for GAC plenary

exchange as we described it, as additional areas of interest: WHOIS reform, Internationalized Domain Names, and intellectual property rights.

So that's a brief run through the text as agreed following consultation of the GAC membership.

So unless anybody has any questions. I see a hand raised. Yes, Council of Europe, Patrick first.

Thank you.

COUNCIL OF EUROPE: Yes, thank you very much, Chair. Patrick Pennings (phonetic), Council of Europe. Even though it's not part -- officially part of the text, I would like to raise one item, which is related to a specific issue of freedom of expression. And I would really urge that we also take due note of the fact that we want to promote also the new gTLD program safeguard right to freedom of expression and access to information and the right to freedom of association.

I think we need to make the reference to human rights more specific. For us, it's extremely important that on the one side, there is a reference to privacy and data protection, but it's also just as important to make due reference to freedom of expression.

So I would like you to consider this. We have made a declaration of the Committee of Ministers on the protection of freedom of expression and information and freedom of assembly and association with regards to the Internet domain names and name strings, and, therefore, I think it would be important for us to make reference to that.

Thank you so much.

MARK CARVELL:

Thank you, Council of Europe. Do either of my co-chairs want to comment on that? I think we note it, certainly.

So, yes, we've taken note of that. Thank you very much. That's a very important point to underline, freedom of expression, freedom of association. Thanks.

Now, Iran I saw next. Yes, please.

IRAN:

Yes, thank you, Chairman. I'm very happy that at least term of reference is finalized after such lengthy discussions. It's good.

One thing that I would like to mention that I think our distinguished co-chair of the CCWG will explain, that this issue was discussed very, very extensively for weeks if not months, and many, many calls, and our co-chair here. What we have to

do either you put in the terms of reference or implicitly you take into account. We should take into account all the work which has been or are being carried out, and we should liaise to an interaction with the CCWG Accountability, (indiscernible) dealing with an item. Because apart from one single paragraph in the report, there is a reference that the framework of interpretation of human rights will be deliberately and extensively and sufficiently discussed and come up with approval of the chartering organization and with ICANN Board, the part of the cross-reference to the single paragraph that we have.

So we don't want to duplicate, we don't want to repeat, and we don't want to do something in isolation of other people.

We should work together and we should have the efficiencies.

Thank you.

MARK CARVELL:

Thank you, Iran. I think we have endeavored to capture that important point of interaction with all processes that are being enacted, including Work Stream 2 of the CCWG. So that's -- thank you for underlining that. We'll duly note that.

I then saw the U.S.A.

UNITED STATES:

Thank you, Chair. We very much want to express our appreciation to the co-chairs for incorporating many of our suggested edits to the draft terms of reference for this working group, and we're pleased to endorse them as requested during this meeting in Marrakech.

We also appreciate the opportunity to share our views as to the near-term focus of the working group, which we believe should be on the potential contributions the GAC could make to the CCWG Accountability Work Stream 2 effort. So I'm concurring with my colleague from Iran in that regard.

As a threshold matter, we believe the incorporation of a specific reference to human rights in ICANN's bylaws should be premised on an assessment of how the U.N. Guiding Principles on Business and Human Rights might apply to ICANN, and we've given some thought to how the GAC might the initiate its assessment of the UNGPs, as they are informally known, and suggest that this working group might want to determine whether there are existing case studies of other multistakeholder initiatives or nonprofit organizations that have committed to implementing the UNGPs in their activities. And that could perhaps serve as a guidepost.

In this regard, we're also aware that Mr. John Ruggie is preparing a report on the UNGPs and FIFA, a nonprofit organization with commercial organizations that is registered in Zurich, Switzerland, and we understand this report is due to be published in April 2016, and it may produce some relevant insights that we can build upon.

We'd also like to concur with the intervention from -- I believe it's the Council of Europe? The gentleman behind me? Thank you. My apologies for not knowing that off the top of my head. We would like to concur with the emphasis that you, too, have placed on the freedom of expression.

Thank you.

MARK CARVELL:

Thank you, U.S.A., for those very helpful contributions. And specifically our -- in our research to inform our work I think we exactly have that in mind, that we look for case studies that exist, and so on. That's a very helpful illustration of how we should work in conducting our analysis. And thank you for reminding us about John Ruggie's imminent report and review. That's -- We will certainly look out for that. And I think it will be for the working group really to identify in that aspects which are going to be directly relevant to this work. And we will -- I propose that the working group then circulates an initial take on

that and invite further comments from yourselves, the U.S.A. and others, with respect to John Ruggie's report.

Okay. Any other requests for the floor? If not, I'll turn now to agenda -- sorry, I missed a request.

Oh, sorry, yeah. Australia, please. Thank you.

AUSTRALIA:

Thank you.

Just in relation to the text on the screen, I'm sorry, I'm not going to be able to take a position on this text. I haven't been able to consult. This came out on the weekend, on the 27th of February, I believe, and I had to be on a plane to come here on the 1st of March.

I'm just looking at that. I need to consult with more than one agency, so I'm not going to be able to take a position today.

Thanks.

MARK CARVELL:

Okay. Thank you for informing us of that. Do you need further time? Thank you.

Right. Let's go to agenda item 2, process for agreeing and finalizing the HRILWG work plan and related intersessional

activity. And I'm going to turn to my co-chair Jorge Cancio to lead off on this.

JORGE CANCIO:

Okay. Thank you very much, Mark, and good afternoon to all.

On this second point, I think that some of the issues, some of the emphasis, which we should consider in developing this work plan, have been already made by the -- by interventions by Kavouss, by Suzanne, by others, and we intend to propose to this working group that we develop this work plan on the basis of such contributions, on the basis of the ideas of all interested members of this working group. So there is no draft work plan for the time being, but we have the basis, the frame given to us by the terms of reference, which we have been able to finalize now. And we would ask -- kindly like to ask every one of you to send us in the next five weeks, more or less -- I think Monday, 18th of April could be the tentative date for doing so -- your ideas on what could be the priorities in -- according and consistent with TORs where we should concentrate in the coming time on these issues.

And I think also some of these ideas have already been mentioned. As I said, certainly the work of the CCWG Accountability Work Stream 2, the Framework of Interpretation, all those will be very topics where it would be, as also has been

said, very important not to duplicate efforts but to feed in our inputs as swiftly and as efficiently as possible.

So that would be our proposal. I don't know whether other co-chairs -- Milagros, please.

MILAGROS CASTANON: I prefer to speak in Spanish, if you don't mind. Do we have interpretation?

Yes.

I think that all the opinions, all the views we've heard this morning right now in this meeting are really valuable and important so as to outline a working group with an efficient work plan, so as to cover the interest of us all.

It's really key within this context to work on the basis of the report issued by the CCWG as well as to take some other sources that may be available. And we know about those sources by the Cross-Community Working Group in Human Rights and also because of some consultations that we have had with the working group related to geo names.

From all these consultations, from all the comments received from the geo names working group, a significant number of those comments were related to international law. So there we

have the opportunity of knowing the willingness of the community to be clear on the legal framework that, unfortunately, is not clear right now.

I know that you will contribute your ideas and view in the forthcoming weeks. And I will do it myself. I will circulate among all of you in a couple weeks a working document that, perhaps, may raise some debate or that you may reflect upon so as to be used as basis. The idea is to build on top of things that have been done, not to divide us among ourselves. The idea is to have legal basis, a concrete legal framework and on the basis of all documents that constitute the legal framework of ICANN. Because I have found certain voids or incorrect uses of certain references. Human rights are mentioned. International law is mentioned. But there's no consistent reference to them in all of ICANN's legal texts.

So these are some details that we have to clarify using a clear legal contribution that may be applicable to this context.

It will be an interesting work. I know that you are aware that, when we talk about international law, Internet is handled on a case-by-case basis. There's not a single law, a single act applicable to the Internet. Lots of different statutes may be applied. And I will leave my comments here and now I'll give my right to the expert in human rights.

JORGE CANCIO: Jorge Cancio speaking. Thank you very much, Milagros. We have been waiting for this contribution.

-- the proposition and suggestion on this idea of giving us up to the 18th of April for receiving contributions. And then we would like to be very quick in developing a first draft which we would share with you at the end of April and then see how to approve it intersessionally. Kavouss, please.

IRAN: Yes. Thank you. No problem with that. But some of the issues raised by the co-chair, I think is already in number or paragraph 28 of recommendation 6 of the CCWG. There are some guidelines or at least some references what we should have taken into account. We showed earlier that we -- there are some elements that I would like to ask you kindly take that into account. Thank you.

JORGE CANCIO: Okay. Thank you very much for that reference. And I think this gives us a very good segue to pass on to point 3 of our agenda, right?

Council of Europe?

COUNCIL OF EUROPE: Yes. Obviously, for the Council of Europe co-chair, this is extremely important what you have just mentioned, because the devil is in the detail. That is, that we should definitely have a coherent picture of the different mentions of human rights and human rights legislation at the international level is being mentioned in the different ICANN texts. And the Council of Europe definitely also stands ready to look together with you and with the GAC into the coherence of the texts. So please take note of that. And we will try to follow this up with your chair. Thank you.

JORGE CANCIO: This is very much appreciated. And, of course, in these contributions, up to the 18th of April, you are welcome if you also propose actions or studies or whatever contributions on the substantial level.

If there is no other point on this, we would pass on to agenda item 3. And, as said before by Mark, we have the honor of having here one of the co-chairs of the CCWG accountability, Leon Sanchez, who led also the discussions within the CCWG on the human rights recommendation.

So I'll give you the floor. And please update us on the status of this recommendation and on the -- especially, on what will be the way forward, assuming that this recommendation will be adopted and also whether you have any opinion on how best we could feed in to that work. Thank you.

LEON SANCHEZ:

Thank you very much, Jorge. Thank you very much, Mark and Milagros, for hosting me here. And thank you to all the members of the GAC. I will continue to speak in Spanish, if you don't mind.

So please wear your headsets.

As you are aware, recommendation number 6 of the final report of the CCWG includes or recommends ICANN to set a commitment to respect human rights.

At CCWG we have been working on several aspects. The human rights certainly raised certain concerns and interests as well by participants from other organizations and some by GAC members.

There we have the opportunity of listening to several contributions that were really very important of some of the members who are here with us in this room.

I remember that I was in a meeting with Jorge, Kavouss, and some other of my colleagues here at the GAC.

Recommendation number 6 in the final report of the CCWG includes a proposal so as to amend ICANN bylaws to have this commitment to respect human rights. And it's important here to mark a difference between what is to respect human rights and what is the meaning of protecting human rights?

If we include a clause in the bylaws to respect human rights within the operational limits and the actions of ICANN, this does not mean that ICANN will become a police officer for human rights, because this is what has been said is that in certain foras that have been read, that we are very far away from that intention.

The intention of the group, when discussing this topic and preparing for recommendation 6, was not thinking of that position.

As Jorge said, the final proposal -- assuming that the final proposal will be approved and supported by all chartering organizations, the bylaws would be amended. And we would include this clause in the bylaws. This clause says that, within the limited remit, the limited mission and the limited values of ICANN, as per the bylaws, ICANN would respect human rights in the various activities to be developed.

But it also says that this clause in the bylaws would not be enforceable until there is a framework of interpretation related to human rights within ICANN and until the Board does not approve this framework of interpretation. So this leaves the door open for certain tasks that should be made and that should be performed before the change in the bylaws and after the transition.

In our second work stream, Work Stream 2, there should be different activities to be done. One of it will be to make a call so that anyone willing to participate in the working group that will develop the framework of interpretation for human rights within ICANN context may participate. Our policy or working procedures within the CCWG have been ruled as being transparent, diverse, inclusive. And we do not want that the working group in human rights is the exception to such general rules. So, if you're willing to participate, you may join us. We have been benefited by having the participation of several GAC members. That has been very constructive. So we hope that in the future we would see the members that have already participated. But we may also appreciate and receive the experience of some other members in these efforts.

After preparing the framework of interpretation, or as part of this effort, we think there should be a kind of assessment of the activities that may have an impact on human rights. What are

ICANN's activities that may have an impact within the framework of human rights? We should consider the policies, if any, should be developed by ICANN and ICANN's community so as to implement this framework of interpretation and to secure the initial or the commitment of ICANN to respect human rights.

We would have to set a procedure so as to discuss this new framework of interpretation. Let's say that, of course, it would be following the methods and procedures as have already been established for the CCWG. And perhaps the working group itself decides that the road to be taken for this framework of interpretation is a different one.

I mean, of course, we are open to any suggestions, to any opinion that you may have and may contribute. We should also take into account the effect of this new provision in the bylaws with respect to the advice that the GAC gives to the Board. We have to evaluate all the possible consequences or implications of this new provision in the bylaws with the activity that you do. We should also take into account that this may affect ICANN's operations if the ICANN's operations are affected by this and to find out the best way to implement this framework of interpretation once the framework of interpretation is agreed upon.

There is some issues like the instruments to be taken into account as reference so as to develop the framework of interpretation. We have already mentioned the Bill of Rights, the declaration of human rights, the Ruggie principles. Several other things have been mentioned related to human rights at international level. But the group decided not to move forward, not to make any decision in this respect so that the plural participation of all the stakeholders may help determine the instrument or the instruments to be used as a basis so as to then develop the framework of interpretation.

So I think that the discussion will be very fruitful. In some cases it may be controversial as well. But we need your hands and your minds so that this exercise may be as fruitful as possible.

Thank you very much to the co-chairs of the working group because I had the opportunity of coming here and talking to you. And I'm here available to hear your comments and questions. Thank you.

JORGE CANCIO:

Jorge Cancio speaking. Thank you, Leon, for this update.

I'll ask the co-chairs or members of the working group whether there are any questions. In the interest of time, I think we have, like, six minutes left. We should be very brief. Kavouss, please.

IRAN: Yes. One of the very delicate issues that was discussed at the level of the working group of human rights chaired by our distinguished colleagues, Sanchez, was the element that we said is recognized by applicable law. That is very, very important. Although still there are on the list that I'm following every half an hour some further explanation. But this is an important element. Because this is a very delicate issue.

And applicable law is a key point. It is not a law of country. Why applicable law, that is important taking into account many aspects of human rights including cultural diversity.

This is important element in many countries. So that should be an element that we further elaborate in Work Stream 2, but that is something that your group need also to look at that one as well. It's not an specific law. It's applicable law. And that is very important and a key point. Thank you.

JORGE CANCIO: Thank you very much. We take note of that. Indonesia, please.

INDONESIA: Thank you. Just two points I would like to raise. Number one I support -- I'm supporting my friend, Kavouss, mentioning about

the applicable law, human rights and so on. Because in many cases are different from one country to another country. And even in one country it can be different. The law might be the same. But the application of the law, which is implemented in a big country like Indonesia, can be different one to another. Because we have to take care of the difference of the culture and so on and so on. You see this in countries like us 240 million people and so many tribes, so many cultures. We have to look after not only the applicable law but also the culture of the people. So that's the one thing.

And, secondly, related to the previous presentations about the communities, the ALAC, we -- even in one country, it may happen that the Internet users consisting of so many people which has different cultures one to another introduced in Indonesia is considered to be around 120, 130 million people.

And those Internet users are different one to another. They may live in an area 6,000 kilometers away and have different cultures. And, when we take their cultures into account, then we have to talk about a really different group of people which has different culture and so on. Thank you.

JORGE CANCIO:

Thank you so much for that comment. If there are no other comments, we are running out of time. I would pass on to item

number 4 in our agenda. And, if my co-chairs are in agreement, I would transform that point into a pointer. And just to inform and to share with all of you as you might be aware, that there are at least three main PDPs which are being started or about to start -- the new WHOIS with this complicated acronym I never remember; and the new gTLDs subsequent rounds PDP, and also the new PDP about to start about rights protection review; which all might have impact on human rights and international law issues. So I would urge you to look into the final issues reports of all these different PDPs and come back with contributions for the work plan.

And with this I would pass the floor to Mark to finalize our agenda. Thank you.

MARK CARVELL:

Yeah. We're running out of time; so, unfortunately, we're going to have to skip quickly through the last points.

Looking at 5, we've talked about the process for the work plan. And we've agreed to invite contributions to that by the 8th, was it, or 18th? Sorry. Five weeks anyway. 18 of April. Sorry. So we have that point.

Now, quickly, just to go to 6, as I mentioned at the beginning, we do have a joint meeting with the Cross-Community Working

Party on Human Rights. It's in this room at 6:00 to 7:00. I hope you've had a chance to do a bit of research on the CCWP and its charter and so on. There are documents on their web pages which explain that charter and the responsibilities and scope of their work, which intersects, to a large degree, with our work in terms of awareness raising and mapping and collecting information and so on.

So I hope you will be able to join the cross-community working party in this room at 6:00 so we hear more about their work, how they are seeing the CCWG process with regard to recommendation 6 and the way forward for that. And I think it will be mutually a very informative session. So I hope very much you will be able to join that.

Does anybody have any question about that event and our linkage to the CCWP on Human Rights?

I don't see anybody raising their flag.

So just to wrap up, we've talked about our consultation exercise with you on the work plan. We've agreed the terms of reference formally at this meeting. And we will set forth now with implementing the administration of the working group with the Web site and the process of maintaining the network of the membership. So please do inform us of your direct interest in the work of this working group.

So we've gone past 12:00. I was under strict instructions to finish at 12:00, so I hope that's been a sufficient step.

Oh, I see New Zealand raising the flag.

Please, yes.

Thank you.

NEW ZEALAND:

Thank you. I'll be very brief. When we look towards the work plan, it's the same thing that happened today. We're looking at quite complex issues, and we all have quite different frameworks. This requires substantial consultation with our governments, often several agencies. So when we write the work plan, I'd just ask that we have a think about that and possibly put in some time frames for how long people are supposed to have the documents for so that when we come to these meetings and when we communicate on the mailing list, we really make sure we are ready to participate and actually provide contributions.

Thank you.

MARK CARVELL:

Okay. Thank you very much, New Zealand. As Jorge indicated, after we have looked at the inputs we will have received by 18th

of April, we will prepare a draft and then go out to consultation again.

So I think this will be a very important iterative, engaging process that we will undertake and ensure that you have adequate time, as you say, to consult across administrations on very complex areas of law and practice and cases, and so on.

So, yes. The point is well taken.

Thank you.

Unless my co-chairs have anything to add, perhaps we better wrap up, then.

So thank you very much for joining us here and for your attention and your contributions, and we look forward to receiving your inputs on taking this important work forward.

And we'll summarize this in the report for the end of meeting.

Thanks.

Thank you very much. And I'll hand back to the GAC chair, I believe, if he's here.

Thank you.

CHAIR SCHNEIDER: Thank you very much. We have a little bit of time before lunch break to -- what I would suggest, get on agreement on how we will be working this afternoon where we have a little bit of time devoted to the preparation of the meeting with the board, and all the rest of the afternoon and/or the evening, that will depend on you, is on working on trying to agree on a text that we will send to the co-chairs of the CCWG. The plan is to agree on this today.

So -- And I have been informed that some members of the GAC have been informally trying to work on a text that could serve as a basis for the work in the afternoon based on what we've heard so far and trying to incorporate the elements that they hope will allow us to come to something that is acceptable to all of us.

So let me give the floor to Spain, please.

Thank you.

SPAIN: Yeah, thank you, Thomas.

I wanted to share with colleagues that some of us are sort of engaging to find a common ground that tries to convey the different sensibilities in the GAC with regards to our reaction to the CCWG final report.

So we have come up with the text, with the language that I can share with you afterwards and that could serve as the basis of our discussions in the afternoon. That's our hope, at least. And as I said, it identifies common ground and tries to address everybody's needs.

So it reflects that many colleagues want to give a positive signal of support that should be conveyed to the CCWG while (indiscernible) some of the colleagues have raised, concerns with regard to the proposal.

So in conclusion, it seems that there may be no objections to transmitting the final proposal to the -- to the Board.

So this text tries to reflect this no objection to transmitting, and I would kindly share with you so that we can think over it and discuss it in the afternoon.

Thank you.

CHAIR SCHNEIDER:

Thank you. Thank you, Spain.

So I think it would be good that we have a text as a basis. This is just a start, as a basis for our work in the afternoon. And you haven't already shared it with the GAC, so maybe you send it now, as soon as you can, and that we can -- if people wish. So

the idea is that you have time over lunch to look at it and to make up your first mind.

Let's not discuss the substance right now. Let's see whether you agree to the way of proceeding here. So that we would use the text that you would see now, and then we would start from a level of fundamental ideas to then go -- if we have an agreement on what the fundamental ideas are that we want to convey to the Board, and go into the direct wording, do that in the afternoon. But I think it's time we start working on a text, and we need to start somewhere, so thank you for the efforts of everybody who has been involved in producing a text, and I hope that we can accept on having a text as a basis for work.

So maybe we can put it on the screen as soon as Tom or whoever has control over the screen has received it on the GAC list so that you can have a look at it.

We may ask the secretariat to print it out in writing, if people prefer to look at it on paper. This is fine.

But the idea is that we should now share a text which is a zero draft or a nonpaper, or whatever you call it, that we would use to start working on and seeing what are the elements that we can agree that should be reflected in the text and then go into the wording.

So, yes, I see Brazil, and Argentina.

Thank you.

BRAZIL:

Thank you, Mr. Chair. And I would like to thank you also Spain for the efforts in that regard.

I must say preliminarily, I think we are -- I think those efforts are very valuable. Indeed, consultations have been made. But I think before moving to text we should in plenary make sure that we have a very clear understanding of positions and concerns that should be reflected in the text.

I think it's a bit premature to initiate the discussion of text right now. I think we do not have the obligation or the time we have does not obligate to us do it.

We do not want to delay the process unnecessarily, but also, we do not want to be rushed into a process to which we are not asked for. I think it is -- we agree with you and we concur with you, if possible, it would be very good if we could finish the text by today, but to be very clear, we are not forced to do it. Other constituencies are also allowing some more time. I think in regard to the complexities of the GAC in regard to all the proposal, we do our best, and we'll contribute, of course, constructively to the discussion as always we do. But I'd just like

to caution that maybe we are moving too fast in regard to issues that we're apart and to our understanding has not been sufficiently discussed among us as of now.

Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil.

Let me tell you that I'm convinced -- I think this is what you said, that we have to agree on the elements that we agree that should be reflected in the text. This is what I was saying. So I think we are in line.

The thing is if you have a text that tries to give a first formulation of these elements, it's much simpler to actually make sure that we are on the same line of what we think should be in the text in the end. So I think the text is a tool to help us understand what - - this is why we will not go directly into the drafting, amending drafting of the text, but the text -- the first round will be using the text that will help us to identify the elements, because in the text you have paragraphs that try to be these elements.

So in the first step the text is there to help us identify the elements that we will agree should be in the text. Maybe some paragraphs will -- we'll see that this element we don't want it, we don't need it, we can't have it, or there is an element missing

that you would highlight should think should be a part of the text.

So there will be these two steps that you say, but according to the experience that I've made in the past days, it's easier if you have something in writing because, otherwise, we agree on a cloud of an idea and then once you start formulating, you realize actually we haven't had a shared view on what that idea is.

So I hope that -- and I see you nodding, so this is fine.

So let's share the text. We don't have to discuss the text itself, or we will not discuss the text itself in the first round. We will discuss the building blocks of the text and whether you think that these are appropriate independent of the actual wording.

Argentina.

ARGENTINA:

Thank you, Chair. Thank you, Spain, for the effort.

I agree with what the distinguished colleague from Brazil had just expressed. Argentina thinks it is a little bit premature to work on a text that could perhaps establish some concepts that are still to be discussed at the plenary level. But I also understand the idea that we have to define and move forward.

But we still think that it's a little bit premature to have a text.
Thank you.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chairman. We have no difficulty to start from somewhere.

By tomorrow, whether tomorrow noon or tomorrow what, we have to have our reply. So it is not on Thursday. It is tomorrow.

Whether we discuss at a level of plenary, as you rightly mention, what are the main elements which should be included in any draft. By the way, thanks to Spain for making efforts, and others. But perhaps if you want to discuss what should be in the element -- what are the elements should be included in the report, we could discuss that at the beginning of anytime, this afternoon or now and so on and so forth. Then we will see whether the text prepared by Spain has all these elements in. If it is yes, then we go to the text; if it is not, then we add that one. My personal view would be that.

One element is that we acknowledge the work which has been carried out. Element two, we acknowledge the minority statements made by some governments. Element three, we acknowledge or we support the area that we have agreement. And then we indicate the area we have no consensus.

And the next step forward is the report to the NTIA. If there are any other elements, you have to add that one, please let us discuss it and then we ask our distinguished colleague from Spain whether all these element are in one way or another included in the draft that I have not seen but I have full trust of every one of you in that.

So we have to start from something. I agree with our colleague from Brazil. We need to further elaborate the matter, further discuss, be clear, and the final text should satisfy everybody, and all of us should be comfortable what we agree on.

So that is the main rules here. So we should be comfortable that the views of everybody to be respected and to be included and to be reflected in the text. So I have no problem. So let us see whether -- when you want to discuss the main elements.

Thank you.

CHAIR SCHNEIDER: Yes. Thank you.

France.

FRANCE:

I would like to thank Spain for the draft they have prepared, and I agree with Brazil and Argentina. I think it's kind of premature right now because we have discussed the three options, and one of the three options that was discussed has already been chosen. If that is the case I would like to remind you that France have mentioned its preference on option three; that is to describe the exchanges done so far. It is there is no consensus right now within the GAC so as to support the CCWG final report.

Thank you very much.

CHAIR SCHNEIDER:

We have not discussed anything to make any decision yet. We are aware of the preferences of each of you. We know that we do not agree on that set of preferences.

We've tried to identify certain elements that are shared by all of us, and if these help us to reach a new option or a decision within each of these options, I think that we should not be discussing whether it is option A or option B. We start to formulate something, as was mentioned by our distinguished colleague from Iran. We have to start somewhere.

This group try to identify the elements, and we hope that there could be some agreement in that respect.

Finally, we will reach the stage of deciding on one of the three options already mentioned or to choose another one. So I hope that you may agree on this procedure.

Perhaps we should point something out. Our planning for this meeting was based on the initial information that we had received that the deadline to give a report on the recommendation of the CCWG was today. But we are aware of this. This is why we prepared the agenda, based on that initial information, so as to use the whole on Wednesday, first of all, to meet with the Board of ICANN -- it's something we cannot take out from our agenda -- and then to have time enough with the various working groups to keep on the discussion on other topics, as the next gTLD rounds, et cetera. And in the afternoon we will be working on drafting the communique.

You know that this is a separate process, and we know that we have to agree on the letter that will be sent to the co-chairs of the CCWG.

If you tell me that anyway, we are not going to conclude with this work today, we need more time -- we have time until tomorrow. And we have to modify our agenda of tomorrow. We cannot do both things at the same time.

So, in that case, we should think on what to do on -- what to do with our schedule tomorrow perhaps. We might reduce the time available for the communique. Perhaps there's not so many topics for the communique. But it may take time as well. And we don't know how much time.

My proposal is that, if you think that today is premature to reach any conclusion, we might use Wednesday night. Instead of attending the gala, we may finish the letter to the co-chairs of the CCWG so as to shorten somehow the time devoted to drafting the communique. I think we would need two hours at least or two hours and a half for the communique. So we may work from 2:30 to 4:30 p.m., and then we may restart sessions at 5:00 so as to finish the letter.

I will be available here. I may stay as long as you like. I may stay here until Thursday 9:00 a.m. I will survive.

It's our decision. But we have to think clearly how we organize the work up to Thursday morning. Because we have to reach consensus on both things -- the communique, on the one hand, and the letter to the CCWG including the final opinion of the GAC.

Let us be clear. We do not have to make any decision right now. But, in addition to the question on when are we going to start working on the text and the final text, we have to reflect upon

how to organize our time, how to prepare a schedule so as to reach a decision today on what we're going to do tomorrow, Wednesday. I hope I be clear.

I have Brazil on my list. Hungary.

BRAZIL:

You have outlined so many options we have. But I think it's -- again, I think we are prejudging the outcome of the discussion. I didn't say we don't want -- we want to work towards the conclusion of the discussion this afternoon. I was just saying we are not forced to do it because we have the deadline. That is not for today. In case there is a moving target in that regard, as you have said, now maybe we have an indication coming now. This is something we should adjust. But I would say let's allow ourselves this afternoon the time to discuss -- in case we can't come to agreement. By the end of the afternoon, I think the outlines you have outlined to be considered. I don't think we have to make a decision now. We are kind of trying to predict the future in a way that is leading us to be anguished unnecessarily. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. You're absolutely right. We don't have to take this decision now. But we'll have to take the decision later today how we organize our work.

If I can read my own writing, that's supposed to be Hungary. Thank you.

HUNGARY: Thank you, Thomas. I really agree with the way you propose to go forward. And I want to thank Spain to take the initiative to the negotiation.

Yes, we have a lot of things to do, I agree. I can see no problem just enumerating the building blocks, as you mentioned, in this draft.

It doesn't have any obligation on anyone. Just reflecting what are the different opinions. What are the -- which we, of course, do know all of us because we have attended the high-level meeting. And, in the high-level meeting everything was mentioned black and white. So we really know what are the issues.

If some delegations feel more comfortable having further negotiations and further discussions, of course, I can see no harm in that. But it's a good thing to have on status, as you said, and on paper. Thank you.

CHAIR SCHNEIDER: Thank you. Spain.

SPAIN: I think it's a positive signal that the countries are still hesitant about the final report requires more time. For me that means that they want to reach an agreement. And I encourage everyone to work in the constructive spirits that we have always worked. And that also goes to the countries that are in favor of the current proposal without any objections. I would like everyone to be flexible and to arrive to a good result. Thank you.

CHAIR SCHNEIDER: Thank you, Spain. United Kingdom.

UNITED KINGDOM: Thank you, Chair. I agree with your way forward. We've had a lot of discussions. We started last month back with our two-hour teleconference. I found that a very helpful initial step. We were able to identify areas where we had agreement on that call.

And then, you know, we've had discussions here on Saturday. Ministers and senior officials have reviewed the state of play and made also positions clear.

Now is the time to frame our response. Having had these discussions, we can explore elements in the course of working on a text, certainly. I don't disagree with that. We're not just going to sort of edit the thing. We're going to talk it through. But we need something that frames what we've already done, which is quite an extensive range of time and comprehensive discussions. So I very much support Hungary and also appreciate very much Spain's efforts to collate possible elements of a text. Thank you.

CHAIR SCHNEIDER: Thank you, U.K. Iran.

IRAN: Yes. Thank you, Chairman. I think you mentioned we have to have today, yes. But today does not finish at 6:00. We are -- we know that in Dublin we were up until 2:30 in the morning the following day. So you start to discuss. And, if there is more time needed, I think there's a good way that has been proposed something. The only thing we have to start to see whether all elements are there. And, if the elements are there, then we go to the text.

So we appreciate very much the good work has been done by Spain. And we try to make these two steps during today. If we

need some more time tomorrow morning, we will tomorrow morning. Maybe 8:00. Maybe tomorrow morning at -- I don't know. Immediately after midnight is tomorrow morning also.

So we could -- by noon tomorrow we have to finish. Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Japan.

JAPAN: Thank you, Mr. Chairman. So I fully agree with Iran's suggestion. The time is very limited. So we don't know how to proceed more time for this kind of a discussion.

So -- or how to proceed is up to you, Mr. Chairman. Thank you.

CHAIR SCHNEIDER: Thank you very much, Japan.

But, of course, I propose you a way to proceed. And then it's up to you to accept it or not. And so the final word is with you. This is the bottom-up approach also in the GAC, of course. I'm in your hands.

So it's actually now 2:29. And I think this room will be used for another meeting, so we have to leave now.

I think, if I'm not getting it completely wrong, we have an agreement we will work in two steps. Step one is we will try to identify the elements and agree on the elements, the ideas that we would like to see reflected in that paper. And then, once we've agreed on these elements, we would look at the formulation and try to formulate it, get a consensus on the formulation of these elements. And that the text that you have received on the GAC list should help you for the first step to identify elements and see whether the elements that the text tries to capture are going in the right directions or whether some elements -- one element is not at all what you would wish to see or whether something is missing or so on and so forth.

But, for the first step, the text is used as a help to identify these elements. And, once we've got these elements together, we will relook at the text and then modify it accordingly. I hope that is acceptable.

So thank you very much. So enjoy your lunch or whatever you do.

[END OF TRANSCRIPTION]